

Entertainment Special Effects (General) Regulation
(Made under section 26 of the Entertainment Special Effects
Ordinance (Cap. 560) with the approval of the Secretary
for Information Technology and Broadcasting)

PART I

Preliminary

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Entertainment Special Effects Licensing Authority by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires---
"competent authority" (有關當局) means any authority outside Hong Kong responsible for---

(a) in respect of qualifications for a special effects operator to be licensed, the issue of special effects operator licences or their equivalents; and

(b) in respect of registration of pyrotechnic special effects materials---

(i) the classification; and

(ii) the imposition of restrictions on the conveyance, storage or use, of pyrotechnic special effects materials,

in the country, state, province or territory under its jurisdiction;

"designated item" (指定物料) means any pyrotechnic special effects material classified as such in the register denoting that the material poses a high risk to safety;

"detonator" (雷管) includes any materials used or manufactured with a view to producing detonation or initiating another pyrotechnic special effects material by means of detonation;

"operator-in-charge" (負責人) means---

(a) in the case of a discharge permit, a person referred to in section 11(1)(b);

(b) in the case of a pyrotechnic special effects materials supplier licence, a person referred to in section 19(1)(a); and

(c) in the case of a store licence, a person referred to in section 24(1)(a), of the Ordinance;

"package" (包裹) means---

(a) any receptacle and any other component or material necessary for the receptacle to perform its containment function; and

(b) any pyrotechnic special effects materials contained therein;

"special effects operator" (特別效果技術員) includes a special effects assistant.

PART II

Licensing of Special Effects Operators

3. Issue of special effects

operator licences

The Authority may issue any of the licences specified in column 1 of Schedule 2.

4. Classification of special effects operators

(1) The Authority may classify a special effects operator as a Stream A operator or Stream B operator according to the type of entertainment programme in which the special effects operator may be licensed to produce entertainment special effects.

(2) The types of entertainment programme according to which special effects operators are classified are specified in Schedule 1.

(3) Subject to subsections (4) and (5), a special effects operator whose licence is of the type specified in column 1 of Schedule 2 may use the special effects materials included in such parts of the Special Effects Materials List as are specified opposite thereto in column 2 of that Schedule.

(4) Subject to section 8(4), a licensed special effects operator shall operate in accordance with---

- (a) the terms and conditions and scope of operation specified in his licence; and
- (b) the terms and conditions specified in the discharge permit issued in respect of the occasion.

(5) Notwithstanding subsection (3), a holder of---

- (a) Special Effects Assistant (Stream A) licence;
- (b) Special Effects Assistant (Stream B) licence;
- (c) Special Effects Assistant (Stream A Short term) licence; or
- (d) Special Effects Assistant (Stream B Short term) licence,

shall not use the special effects materials as specified under subsection (3) unless he is under the supervision of the operator-in-charge named in the discharge permit of the same stream issued in respect of the occasion.

5. Qualifications for special effects

operator to be licensed

(1) A person who holds a scheduled qualification specified in column 3 of Schedule 2 is eligible to apply for the type of special effects operator licence indicated opposite thereto in column 1 of Schedule 2.

(2) For the purposes of subsection (1) and Schedule 2, "scheduled qualification" (表列資格) means any of the qualifications set out in Schedule 3.

(3) Notwithstanding subsection (1) and Schedule 2, the Authority may in addition assess the competence of an applicant---

(a) in the case of an application for a Special Effects Operator Class I (Stream A) licence, Special Effects Operator Class II (Stream A) licence, Special Effects Assistant (Stream A) licence, Special Effects Operator (Stream B) licence or Special Effects Assistant (Stream B) licence, by requiring him---

(i) to take an examination and attend an interview conducted by the Authority; and

(ii) to conduct a demonstration as to the use of special effects materials in the presence of a public officer or person authorized by the Authority; and

(b) in the case of an application for a Special Effects Operator (Stream A Short term) licence, Special Effects Operator (Stream B Short term) licence, Special Effects Assistant (Stream A Short term) licence or Special Effects Assistant (Stream B Short term) licence, by requiring him---

(i) to attend an interview conducted by the Authority; and

(ii) to conduct a demonstration as to the use of special effects materials in the presence of a public officer or person authorized by the Authority.

6. Variation of scope of operation

(1) Where a special effects operator licence is issued, the Authority may define the scope of operation that the holder of the licence is permitted to carry out.

(2) A licensed special effects operator may apply to the Authority for the variation of the scope of operation specified in his licence.

(3) Where an application is made under subsection (2), the Authority may exercise his power under section 5(3) to assess the competence of an applicant as if it were an application for a special effects operator licence.

(4) A licensed special effects operator who uses special effects materials outside the scope of operation specified in his special effects operator licence shall be taken as having breached the terms and conditions of his licence.

7. Validity period of special effects operator licences

The special effects operator licence specified in column 1 of Schedule 2 shall be issued or renewed for a period specified opposite thereto in column 4 of Schedule 2.

PART III

Discharge of Special Effects Materials

8. Classification of discharge permits

(1) The Authority may classify discharge permits into Stream A and Stream B according to the types of entertainment programme as are specified in Schedule 1.

(2) The Authority may issue a discharge permit for a Stream A entertainment programme or a Stream B entertainment programme.

(3) The Authority may issue a discharge permit in respect of one act of discharge or a series of acts of discharge at a location specified in the permit.

(4) Notwithstanding section 4(4), a holder of any of the following licences-

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(a) in respect of Stream A---

(i) Special Effects Operator Class I (Stream A);

(ii) Special Effects Operator Class II (Stream A);

(iii) Special Effects Operator (Stream A Short term); or

(b) in respect of Stream B---

(i) Special Effects Operator (Stream B);

(ii) Special Effects Operator (Stream B Short term),

may assist an operator-in-charge named in a discharge permit of the same stream and use any special effects materials not within the terms and conditions or the permitted scope of operation specified in his licence to the extent that the same are allowed to be used by the operator-in-charge within the terms and conditions of the discharge permit issued in respect of the occasion only if he is under the supervision of the operator-in-charge.

9. Application for discharge permits

An applicant who applies for a discharge permit shall submit with his application---

(a) a statement describing and, where required by the Authority, drawings showing---

(i) the location of the discharge;

(ii) the arrangements for producing the proposed entertainment special effects; and

(iii) the safety precautions to be taken;

(b) a statement specifying the types and quantities of special effects materials intended to be used and the manner in which they are to be used; and

(c) proof of a valid public liability insurance policy in respect of the discharge showing---

(i) the amount of insurance cover; and

(ii) the terms and conditions of the insurance policy, that are acceptable to the Authority.

10. Operator-in-charge named in discharge permit

(1) An application for a discharge permit shall contain the name, address, qualifications and experience of the person proposed to be engaged as the

operator-in-charge.

(2) The Authority may approve the appointment of an operator-in-charge if he is satisfied that the person proposed to be engaged in that capacity is the holder of a special effects operator licence the type and the scope of operation of which are acceptable to the Authority.

11. Discharge permits not required under certain conditions

A discharge permit is not required for the discharge of non-pyrotechnic special effects materials if the discharge is carried out in accordance with the conditions specified in Schedule 4.

12. Validity period of discharge permits

A discharge permit shall be valid for a period of 24 hours or such shorter period as the Authority may specify in the permit.

PART IV

Registration of Pyrotechnic Special Effects Materials

13. Application for registration

An applicant who applies for the registration of any pyrotechnic special effects material shall submit with his application---

(a) documents containing the safety data of the material, that is to say, information describing the safety precautions that should be taken when the material is being used, or other similar documents;

(b) documents, if any, issued by a competent authority relating to the classification of the material and the imposition of restrictions in respect of the conveyance, storage or use of the material; and

(c) such other particulars as the Authority may require for the purpose of ascertaining the characteristics of the material.

14. Registration

(1) Upon registration of any pyrotechnic special effects material, the Authority may---

(a) classify the pyrotechnic special effects material, based on the hazard level associated with its conveyance, storage and use; and

(b) impose such restrictions on the conveyance, storage and use of any such pyrotechnic special effects material classified under paragraph (a) as he considers necessary.

(2) The Authority shall enter in the register the classification and restrictions made under subsection (1).

15. Alterations and cancellation

The Authority may, where he considers it necessary in the interests of public

safety---

- (a) alter any particulars relating to the classification or restrictions of any pyrotechnic special effects material entered in the register; or
- (b) cancel the registration of any pyrotechnic special effects material and remove the same from the register.

PART V

Supply of Pyrotechnic Special Effects Materials

16. Application for pyrotechnic special effects materials supplier licences

An application for the issue or renewal of a pyrotechnic special effects materials supplier licence shall contain---

- (a) documentary proof that the applicant has sufficient space for the storage of the pyrotechnic special effects materials that he intends to supply---
 - (i) in a store in respect of which a store licence has been issued; or
 - (ii) in any storage approved by the Authority; and
- (b) the name, address, qualifications and experience of the special effects operator proposed to be engaged as the operator-in-charge or where the applicant himself intends to be the operator-in-charge, his qualifications and experience as a special effects operator.

17. Qualifications of operator-in-charge

The person proposed to be the operator-in-charge for the purpose of a pyrotechnic special effects materials supplier licence must hold one of the following licences---

- (a) Special Effects Operator Class I (Stream A) licence;
- (b) Special Effects Operator Class II (Stream A) licence; or
- (c) Special Effects Operator (Stream B) licence.

18. Engagement of operator-in-charge

(1) A licensed supplier shall engage throughout the validity period of his licence an operator-in-charge approved by the Authority and named in the licence unless he himself has been approved by the Authority as the operator-in-charge and named in the licence.

(2) A licensed supplier who contravenes subsection (1) commits an offence and is liable to a fine at level 4.

19. Appointment of replacement operator-in-charge

(1) Subject to subsection (3), a licensed supplier shall apply in writing to the Authority for approval to appoint a replacement operator-in-charge within the time referred to in subsection (2) if---

- (a) the special effects operator licence of the operator-in-charge expires;

(b) the special effects operator licence of the operator-in-charge is suspended or revoked by the Authority;

(c) the appointment of the operator-in-charge is terminated; or

(d) the operator-in-charge is to be absent from Hong Kong for more than 28 consecutive days.

(2) The time required for submitting the application to the Authority shall be---

(a) in the case of subsection (1)(a), (c) or (d), 7 days before the date of the occurrence of the event or such shorter period as the Authority may allow; and

(b) in the case of subsection (1)(b), within 7 days after the date of the occurrence of the event or such longer period as the Authority may allow.

(3) Notwithstanding subsection (1)(d), it shall not be necessary for a licensed supplier to apply for approval to appoint a replacement operator-in-charge if he does not possess, import and acquire any pyrotechnic special effects material during the period when the operator-in-charge is absent from Hong Kong.

(4) Upon payment of the prescribed fee by the licensed supplier who has obtained approval from the Authority for the appointment of a replacement operator-in-charge under the circumstances referred to in subsection (1)(a), (b) or (c), the Authority may alter the particulars of the supplier's licence regarding the change of the operator-in-charge accordingly.

(5) A licensed supplier who contravenes subsection (1) commits an offence and is liable to a fine at level 4.

(6) A licensed supplier who contravenes subsection (2) commits an offence and is liable to a fine at level 3.

20. Records to be kept

(1) A licensed supplier shall keep or cause to be kept a record of pyrotechnic special effects materials that he has---

- (a) imported;
- (b) taken possession of; or
- (c) parted with possession of.

(2) The record, in a form specified by the Authority, shall be completed at the completion of each transaction.

(3) In addition to subsections (1) and (2), the supplier shall at the end of each 12 month period during the validity of his licence or at the expiry of such other period as the Authority may allow and at any other time required by the Authority---

(a) prepare a statement, in a form specified by the Authority, of the exact quantity and description of all pyrotechnic special effects materials in his possession, including those stored under his name anywhere in Hong Kong, at the relevant date; and

(b) where---

(i) the supplier himself is the operator-in-charge, certify that the statement made under paragraph (a) is correct; or

(ii) an operator-in-charge is engaged, ensure that the statement made under paragraph (a) is certified as correct by the operator-in-charge.

(4) The supplier shall send the statement duly certified in accordance with subsection (3)(b) to the Authority within 21 days of the relevant date.

(5) The supplier shall keep the record and all documents relating to the transactions for a minimum of 3 years for the inspection of the Authority at the premises where he carries on business as a supplier.

(6) The supplier shall---

(a) upon expiry, suspension, surrender or revocation of his licence; and

(b) in the case of a body corporate, upon its dissolution, provide a copy of the record to the Authority showing all the transactions made since he last submitted a statement to the Authority.

(7) For the purposes of subsections (3) and (4), "the relevant date" (有關日期) means the date of the expiration of each 12 month period during the validity of the pyrotechnic special effects materials supplier licence held by the supplier in question or any date notified to the supplier by the Authority in writing.

(8) A person who contravenes subsection (1), (2), (3), (4), (5) or (6) commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

(9) A person who makes a false or misleading entry in---

(a) the record required to be kept under subsection (1);

(b) the statement required to be sent to the Authority under subsection (4); or

(c) the copy of the record required to be provided under subsection (6),

knowing such entry to be false or misleading, commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

(10) A person who certifies as correct any statement made under subsection (3)(a) which he knows to be incorrect, commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

21. Validity period of pyrotechnic special effects materials supplier licences

A pyrotechnic special effects materials supplier licence shall be issued or renewed by the Authority for a period of 24 months.

PART VI

Conveyance of Pyrotechnic Special Effects Materials

22. Validity period of conveyance permits

A conveyance permit is only valid for the period and routes specified in the permit.

23. Conveyance permits not required under certain circumstances

(1) A conveyance permit is not required for the conveyance of pyrotechnic special effects materials which are---

(a) in transit, that is to say, they are brought into Hong Kong solely for the purpose of taking them out of Hong Kong and they remain at all times in or on the vessel, aircraft or vehicle in or on which they are brought into Hong Kong; or

(b) being carried on board a type I vessel within the meaning of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg.).

(2) Subject to subsection (3), a conveyance permit is not required for the conveyance of---

(a) pyrotechnic special effects materials other than designated items having an aggregate net explosive quantity not exceeding 5 kg; or

(b) not more than 50 detonators; or

(c) designated items other than detonators having an aggregate net explosive quantity not exceeding 200 grams; or

(d) the materials specified in paragraphs (a) and (b), (b) and (c), (a) and (c) or (a) and (b) and (c).

(3) Subsection (2) shall apply only if the following conditions are met---

(a) the conveyance---

(i) is carried out for conveying the pyrotechnic special effects materials in question to the location of discharge for the purpose of discharge in accordance with a discharge permit or for conveying any unused pyrotechnic special effects materials left from that discharge to a location for storage in respect of which a store licence has been issued or to a storage approved by the Authority; or

(ii) has been approved by the Authority in writing; and

(b) in the case of subsection (2)(a), the conveyance is under the supervision of a special effects operator holding a Special Effects Operator Class I (Stream A) licence, Special Effects Operator Class II (Stream A) licence, Special Effects Operator (Stream B) licence, Special Effects Operator (Stream A Short term) licence or Special Effects Operator (Stream B Short term) licence subject to the scope of operation specified in his licence; and

(c) in the case of subsection (2)(b), (c) or (d), the conveyance is under the supervision of a special effects operator holding a Special Effects Operator Class I (Stream A) licence or Special Effects Operator (Stream A Short term) licence subject to the scope of operation specified in his licence; and

(d) the special effects operator referred to in paragraph (b) or (c), as the case may be, shall have with him during the entire journey of conveyance---

(i) in the case of paragraph (a)(i), a true copy of the discharge permit; and

(ii) in the case of paragraph (a)(ii), the approval letter issued by the Authority,

and shall on demand produce it for inspection by any police officer, any officer of the Marine Department not below the rank of Marine Inspector II or any officer of the Authority.

24. Conveyance by vehicles

No person shall convey or cause to be conveyed any pyrotechnic special effects materials having an aggregate net explosive quantity exceeding 200 kg in a vehicle unless permission in respect of the vehicle has been given in writing by the Authority.

25. Conveyance by vessels

(1) Subject to subsection (2), no person shall convey or cause to be conveyed any pyrotechnic special effects materials in a vessel unless---

(a) in respect of a type III vessel within the meaning of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg.), a permission has been given in writing by the Director of Marine; or

(b) in respect of a vessel other than a type III vessel within the meaning of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg.), a document of compliance as required under section 16 of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg.) has been issued.

(2) Notwithstanding subsection (1), a person may convey in a vessel the following pyrotechnic special effects materials without prior permission from the Director of Marine or a document of compliance if the requirements set out in subsection (3) are met---

(a) pyrotechnic special effects materials other than designated items having an aggregate net explosive quantity not exceeding 5 kg;

(b) not more than 50 detonators;

(c) designated items other than detonators having an aggregate net explosive quantity not exceeding 200 grams; or

(d) the materials specified in paragraphs (a) and (b), (b) and (c), (a) and (c) or (a) and (b) and (c).

(3) The requirements referred to in subsection (2) are that---

(a) the vessel is of a type approved by the Director of Marine from time to time for the conveyance of pyrotechnic special effects materials not exceeding the quantities set out in subsection (2)(a) to (d); and

(b) the conveyance of such pyrotechnic special effects materials is in accordance with the conditions and manner stipulated by the Director of Marine and the Authority.

(4) A list of the approved types of vessels, the conditions and the manner referred to in subsection (3) shall be made available for public inspection in the office of the Authority.

26. Pyrotechnic special effects materials not permitted in public vehicles, etc.

Except with the approval of the Authority, no person shall convey any pyrotechnic special effects materials on any tramcar, omnibus, taxi or other public vehicle or on any public ferry unless the pyrotechnic special effects materials---

(a) are materials other than designated items;

(b) are items other than those entered in the register as prohibited from being conveyed on such vehicle or ferry; and

(c) the aggregate net explosive quantity of which does not exceed 5 kg.

27. Display requirements

Unless otherwise approved by the Authority, a person who conveys pyrotechnic special effects materials by land shall display signs including placards, signals and flags in such form and manner as the Authority may specify.

28. Offences under this Part

(1) Where a conveyance permit is not required for the conveyance of pyrotechnic special effects materials under section 23, a special effects operator who fails to comply with section 23(3)(d)(i) or (ii) commits an offence and is liable to a fine at level 2.

(2) The owner or person in charge of any vehicle or any person in possession of pyrotechnic special effects materials in respect of which section 24 or 27 is contravened commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

(3) The owner, agent or master of any vessel or any person in possession of pyrotechnic special effects materials in respect of which section 25(1) is contravened commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

(4) A person who contravenes section 26 commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

(5) In any proceedings for a contravention of section 24, 25(1), 26 or 27, it shall be a defence for the person charged to prove that he did not know and could not with reasonable diligence have known the nature of the materials in question.

PART VII

Storage of Pyrotechnic Special Effects Materials

29. Types of store licence

The Authority may issue---

- (a) a store licence in respect of a store at a fixed location in non-residential premises ("non-movable pyrotechnic special effects materials store licence"); or
- (b) a store licence in respect of a movable store ("movable pyrotechnic special effects materials store licence").

30. Construction and siting of stores

(1) A pyrotechnic special effects materials store, whether movable or non-movable, shall be---

- (a) built with fire resistant materials;
- (b) without any exposed ferrous metal in the exterior or interior of the store;
- (c) capable of being securely locked; and
- (d) of a design approved by the Authority.

(2) A movable store shall be kept in an area in non-residential premises approved by the Authority ("designated area") when---

- (a) it contains pyrotechnic special effects materials;
- (b) it is not in use at the location where the entertainment special effects are being produced; and
- (c) it is not being conveyed.

(3) Any person holding a movable pyrotechnic special effects materials store licence who fails to comply with the requirement under subsection (2) commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

31. Application for store licences

An applicant who applies for the issue or renewal of a store licence shall submit with his application---

- (a) documents specifying---
 - (i) the storage capacity requested;
 - (ii) the types of pyrotechnic special effects materials to be stored;
 - (iii) the proposed security and safety measures to be taken in respect of the store;
 - (iv) the materials used for the construction of the store;
 - (v) in the case of a non-movable store---
- (A) the location of the store;
- (B) the means of ventilation of the store;
- (vi) in the case of a movable store---
- (A) the location of the designated area or proposed designated area;
- (B) the means of ventilation of the designated area or proposed designated area; and
- (b) the name, address, qualifications and experience of the special effects operator

proposed to be engaged as the operator-in-charge or where the applicant himself is proposed to be the operator-in-charge, his qualifications and experience as a special effects operator; and

(c) in the case of a non-movable store, 4 copies of a scale plan of the store indicating---

(i) the distance between the store and other premises and public place in the vicinity;

(ii) the position of the store in relation to other adjacent premises within the same building; and

(iii) the position of any staircase, external fire escape, window or other means of egress from the premises in which the store constitutes a part; and

(d) in the case of a movable store---

(i) 4 copies of a scale drawing of the store;

(ii) 4 copies of a scale plan of the designated area or proposed designated area indicating---

(A) the distance between the designated area or proposed designated area and other premises and public place in the vicinity;

(B) the position of the designated area or proposed designated area in relation to other adjacent premises within the same building; and

(C) the position of any staircase, external fire escape, window or other means of egress from the premises in which the designated area or proposed designated area constitutes a part.

32. Requirements to be complied with by person holding store licence

(1) In addition to any other conditions specified in a store licence, the holder of a store licence shall ensure that---

(a) the store and its fittings and equipment are maintained at all times in good order to the satisfaction of the Authority;

(b) except with the permission in writing of the Authority, no alteration or addition to the store or its fittings or equipment shall be made which may result in a deviation in any material particular from the drawing or plan of the store, or from the fittings or equipment of the store approved by the Authority;

(c) unless access to the store is required, the store, when containing any pyrotechnic special effects materials, shall be kept securely locked;

(d) all proper precautions have been taken to prevent---

(i) fire and explosion in the store;

(ii) unauthorized persons from obtaining access to the store;

(e) the store and the designated area, as the case may be, are provided with such

fire extinguishing equipment as the Authority may require;

(f) all proper precautions have been taken to exclude water from the store if the store contains pyrotechnic special effects materials which may become dangerous upon interaction with water; and

(g) in the case of a non-movable store---

(i) the store has a security alarm system installed to the satisfaction of the Authority;

(ii) the store or the building in which the store constitutes a part has an efficient lightning conductor,

when so required by the Authority.

(2) Any person holding a store licence who fails to comply with subsection (1)(a) or (b) commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

(3) Any person holding a store licence who fails to comply with subsection (1)(c), (d)(i) or (ii), (e), (f) or (g)(i) or (ii) commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

33. Engagement of operator-in-charge

(1) A holder of a store licence shall engage throughout the validity period of his licence an operator-in-charge approved by the Authority and named in the licence unless he himself has been approved by the Authority as the operator-in-charge and named in the licence.

(2) The person engaged as the operator-in-charge for the purpose of subsection (1) must hold one of the following licences---

(a) Special Effects Operator Class I (Stream A) licence;

(b) Special Effects Operator Class II (Stream A) licence;

(c) Special Effects Operator (Stream B) licence;

(d) Special Effects Operator (Stream A Short term) licence; or

(e) Special Effects Operator (Stream B Short term) licence.

(3) Any person holding a store licence who contravenes subsection (1) commits an offence and is liable to a fine at level 4.

34. Appointment of replacement

operator-in-charge

(1) Subject to subsection (3), a holder of a store licence shall apply in writing to the Authority for approval to appoint a replacement operator-in-charge within the time referred to in subsection (2) if---

(a) the special effects operator licence of the operator-in-charge expires;

(b) the special effects operator licence of the operator-in-charge is suspended or revoked by the Authority;

(c) the appointment of the operator-in-charge is terminated; or
(d) the operator-in-charge is to be absent from Hong Kong for more than 28 consecutive days.

(2) The time required for submitting the application to the Authority shall be---
(a) in the case of subsection (1)(a), (c) or (d), 7 days before the date of the occurrence of the event or such shorter period as the Authority may allow; and
(b) in the case of subsection (1)(b), within 7 days after the date of the occurrence of the event or such longer period as the Authority may allow.

(3) Notwithstanding subsection (1)(d), it shall not be necessary for a holder of a store licence to apply for approval to appoint a replacement operator-in-charge if no pyrotechnic special effects material is stored in the store during the period when the operator-in-charge is absent from Hong Kong.

(4) Upon payment of the prescribed fee by the holder of a store licence who has obtained approval from the Authority for the appointment of a replacement operator-in-charge under the circumstances referred to in subsection (1)(a), (b) or (c), the Authority may alter the particulars of the store licence regarding the change of the operator-in-charge accordingly.

(5) Any person holding a store licence who contravenes subsection (1) commits an offence and is liable to a fine at level 4.

(6) Any person holding a store licence who contravenes subsection (2) commits an offence and is liable to a fine at level 3.

35. Inspection of stores

(1) If the holder of a store licence is the operator-in-charge named in the licence, he shall---

(a) inspect, at least once in each month unless the Authority allows a longer period and at any other time as may be required by the Authority, the condition of the store, the pyrotechnic special effects materials contained in the store and---

(i) in the case of a non-movable store, the area immediately adjacent to the store; and

(ii) in the case of a movable store, the designated area and the area immediately adjacent to the designated area; and

(b) record in the stock book referred to in section 37 the date, time and findings of the inspection.

(2) Where the holder of the store licence has engaged an operator-in-charge, he shall ensure that the operator-in-charge carries out the work specified in subsection (1)(a) and (b).

(3) Where the inspection shows that---

(a) there have been changes in the information or particulars provided to the

Authority under section 31;

(b) any requirement specified in section 32 has not been complied with; or

(c) there are deteriorated or damaged pyrotechnic special effects materials in the store,

the holder of the store licence shall notify the Authority as soon as practicable and submit to the Authority, within 4 working days of the inspection, a report in writing setting out---

(i) a detailed account of the inspection;

(ii) the findings of the inspection; and

(iii) the actions he has taken or he proposes to take to restore the store or designated area, as the case may be, to a condition suitable for its purpose.

(4) Any person holding a store licence who contravenes any provision of this section commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

36. Destruction of deteriorated, etc. pyrotechnic special effects materials

(1) Subject to the prior approval of the Authority, a holder of a store licence shall cause any deteriorated or damaged pyrotechnic special effects materials, whether real or apparent, to be---

(a) removed from the store; and

(b) disposed of by the operator-in-charge of the store or a licensed special effects operator approved by the Authority in a manner approved by the Authority.

(2) Any person holding a store licence who contravenes this section commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

37. Records to be kept

(1) A holder of a store licence shall keep or cause to be kept a stock book in the store in a form to be specified by the Authority.

(2) The stock book shall be kept up-to-date, and shall record---

(a) the quantity, description and date of delivery of each item of pyrotechnic special effects material delivered to the store; and

(b) the quantity, description and date of dispatch of each item of pyrotechnic special effects material removed from the store, whether for discharge or otherwise.

(3) Each entry in the stock book shall be certified as correct by the holder of the store licence or the operator-in-charge.

(4) The holder of a store licence shall, at the end of each month during the validity of his licence or at the expiry of such other period as the Authority may allow and at any other time required by the Authority, record in the stock book a statement of the balance of the stock of each type of pyrotechnic special effects

material held in the store.

(5) The statement recorded in the stock book under subsection (4) shall be certified as correct---

(a) in the case of the licence holder himself being the operator-in-charge, by the licence holder; and

(b) in the case of an operator-in-charge being engaged, by the operator-in-charge.

(6) The holder of a store licence shall keep all stock books and all documents relating to the pyrotechnic special effects materials held in the store for a minimum of 3 years and shall produce them to the Authority for inspection when required.

(7) The holder of a store licence shall---

(a) upon expiry, suspension, surrender or revocation of his licence; and

(b) in the case of a body corporate, upon its dissolution, send a copy of the stock book to the Authority showing---

(i) all the entries made during the last three years before the expiry, suspension, surrender, revocation of his licence or dissolution of the body corporate, as the case may be; or

(ii) where the holder has held the store licence for less than 3 years, all the entries made during the validity of his licence.

(8) A person who contravenes this section commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

(9) A person who makes a false or misleading entry in---

(a) the stock book required to be kept under subsection (1) or (2);

(b) the statement required to be recorded under subsection (4) or (5); or

(c) the copy of the stock book required to be sent to the Authority under subsection (7),

knowing such entry to be false or misleading, commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

(10) A person who certifies as correct---

(a) any entry in the stock book made under subsection (2); or

(b) any statement recorded in the stock book under subsection (4),

which he knows to be incorrect, commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

38. Validity period of store licences

A store licence shall be issued or renewed for a period of 24 months or such shorter period as the Authority may think fit.

PART VIII

Report of Accidents, etc.

39. Notification of accidents, etc.

(1) The following occurrences are notifiable in accordance with section 40---

(a) any theft or loss of pyrotechnic special effects materials;

(b) any fire relating to special effects materials which requires emergency action by the Fire Services Department;

(c) any accident relating to the conveyance, storage or use of special effects materials which results in---

(i) the death of a person;

(ii) bodily injury to a person that results in the person being admitted to a hospital or clinic for treatment or observation; or

(iii) damage to any vehicle, vessel, aircraft, train, building or any other property;

(d) any incident of misfire (including the failure to fire) of pyrotechnic special effects materials which requires the assistance of the Hong Kong Police Force under section 41.

(2) For the purposes of subsection (1)(c)(iii), "damage" (受損) does not include the destruction of properties or prop used in an entertainment programme that is intended as part of the special effects.

40. Reporting and investigation of accidents, etc.

(1) The following provisions of this section apply to any person holding a licence or permit issued under the Ordinance to which the special effects materials involved in an occurrence notifiable under section 39 are related.

(2) In the event of an occurrence referred to in section 39(1)(a), the person who holds the licence or permit, as the case may be, shall report to the Hong Kong Police Force as soon as practicable.

(3) In the event of a fire referred to in section 39(1)(b), the person who holds the licence or permit, as the case may be, shall report forthwith either to the Fire Services Department or the Hong Kong Police Force.

(4) In the event of an accident referred to in section 39(1)(c), the person who holds the licence or permit, as the case may be, shall---

(a) irrespective of whether pyrotechnic special effects materials are involved, report forthwith to the Hong Kong Police Force; and

(b) where pyrotechnic special effects materials are involved, provide a description of the pyrotechnic special effects materials and a list of the quantities of the materials when the report required under paragraph (a) is made.

(5) Whenever there is an occurrence notifiable under section 39, the person who holds the licence or permit shall, in addition to any report which he may have made

or is required to make under subsection (2), (3) or (4)---

- (a) notify the Authority of such occurrence as soon as practicable; and
- (b) submit a report of the occurrence in writing to the Authority within 3 working days of the occurrence containing the particulars specified in subsection (6).

(6) A report under subsection (5)(b) shall contain---

- (a) the circumstances and details of the occurrence (including the date, the place and the nature of the occurrence);
- (b) the names, addresses and other details, where available, of all persons involved and witnesses thereto; and
- (c) the description and quantities of special effects materials involved.

(7) The Authority may require the person who has made a report under subsection (5) to---

- (a) conduct a detailed investigation into the causes of the occurrence;
- (b) report in writing the findings of the investigation and the recommendations to prevent future similar occurrences; and
- (c) submit to him the report in such form and within such period as the Authority may determine.

(8) A person who fails to---

- (a) report an occurrence in contravention of subsection (2);
- (b) report a fire in contravention of subsection (3);
- (c) report an accident in contravention of subsection (4); or
- (d) comply with subsection (5)(a),

commits an offence and is liable to a fine at level 2.

(9) A person who fails to comply with subsection (5)(b) or (7) commits an offence and is liable to a fine at level 3.

41. Handling of misfired pyrotechnic special effects materials

(1) A licensed special effects operator shall request the assistance of the Hong Kong Police Force if there are misfired (including unfired) pyrotechnic special effects materials that---

- (a) may pose a threat to life or property; and
- (b) he cannot safely dispose of.

(2) A licensed special effects operator who contravenes subsection (1) commits an offence and is liable to a fine at level 2.

42. Destruction of pyrotechnic special effects materials involved in certain occurrences

(1) Unless otherwise approved by the Authority, a person holding a licence or permit issued under the Ordinance shall not destroy or cause to be destroyed any

pyrotechnic special effects materials involved in any of the occurrences referred to in section 39.

(2) Nothing in this section shall prevent the destruction of the materials referred to in subsection (1) under and in accordance with section 32 of the Ordinance.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine at level 4 and to imprisonment for 1 month.

PART IX

Miscellaneous

43. Packaging and labelling of pyrotechnic special effects materials

(1) Subject to subsection (2), no person shall supply, convey or store any pyrotechnic special effects material in Hong Kong unless the material is packed and the package is marked and labelled in accordance with---

(a) the Technical Instructions for the Safe Transport of Dangerous Goods by Air for the time being in force approved and published by decision of the Council of the International Civil Aviation Organization;

(b) the International Maritime Dangerous Goods Code for the time being in force published by the International Maritime Organization; or

(c) the United Nations Recommendations on the Transport of Dangerous Goods for the time being in force.

(2) The Authority may, on a case by case basis, modify any requirements imposed under subsection (1)---

(a) if he is satisfied that compliance with those requirements by a person conveying or storing pyrotechnic special effects materials in Hong Kong is impracticable; and

(b) to the extent that he is so satisfied that modifications are required by the actual circumstances of the conveyance or storage.

44. Disposal of pyrotechnic special effects materials after revocation, etc.

of licence

(1) After the expiration, suspension, surrender or revocation of---

(a) a pyrotechnic special effects materials supplier licence; or

(b) a special effects operator licence,

the holder of such licence who is in possession of any pyrotechnic special effects materials shall not---

(i) supply or offer such materials to any person; or

(ii) otherwise dispose of such materials,

as the case may be, without the approval of the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable to

a fine at level 6 and to imprisonment for 6 months.

45. Production of licence or permit
for inspection

(1) Any police officer, any officer of the Marine Department not below the rank of Marine Inspector II or any officer of the Authority may require any person holding a licence or permit issued under the Ordinance to produce the licence or permit for inspection.

(2) A person who holds a special effects operator licence shall have with him his licence when special effects materials under his charge are being stored, conveyed or used and shall on demand produce it for inspection by any of the officers referred to in subsection (1).

(3) The operator-in-charge named in a discharge permit shall have with him a true copy of the discharge permit when special effects materials are in use and shall on demand produce it for inspection by any of the officers referred to in subsection (1).

(4) Unless a conveyance permit is not required by virtue of section 23, a person who conveys or supervises the conveyance of pyrotechnic special effects materials shall have with him a true copy of a conveyance permit when pyrotechnic special effects materials are being conveyed and shall on demand produce it for inspection by any of the officers referred to in subsection (1).

(5) A person who contravenes subsection (2), (3) or (4) commits an offence and is liable to a fine at level 2.

46. Obtaining of information

(1) For the purposes of obtaining any information which the Authority is of the opinion that he needs for the exercise of his functions under the Ordinance, the Authority may serve on any person holding a licence or permit issued under the Ordinance a notice requiring such person to furnish to the Authority such information about such matters as are specified in the notice, and to do so in such form and manner and within such period as are specified in that notice.

(2) A person who fails to comply with subsection (1) commits an offence and is liable to a fine at level 3.

SCHEDULE 1 [ss. 4(2) & 8(1)]

Classification of Special Effects

Operators and Discharge Permits

Entertainment Programme

Stream A--- Films, commercials, television programmes (excluding any stage or similar production performed before a proximate audience) and other similar productions

Stream B --- Literary, dramatic, musical and artistic works and other similar stage productions normally performed before a proximate audience

SCHEDULE 2 [ss. 3, 4(3), 5(1),
(2) & (3) & 7
& Sch. 3]

Special Effects Operator Licences

Column 1	Column 2	Column 3	Column 4
Parts of Special Effects	Scheduled		
Type of licence	Materials List	qualification	Validity period
Special Effects Operator Class I (Stream A)	Parts I, II and III (c) A and L.	(a) A and B; or (b) A and K; or	24 months
Special Effects Operator Class II (Stream A)	Parts II and III (c) C and L.	(a) C and D; or (b) C and K; or	24 months
Special Effects Assistant (Stream A)	Parts I, II and III	K	24 months
Special Effects Operator (Stream B)	Parts II and III (c) E and L.	(a) E and F; or (b) E and K; or	24 months
Special Effects Assistant (Stream B)	Parts II and III	K	24 months
Special Effects Operator (Stream A Short term)	Parts I, II and III	G	6 months or less
Special Effects Operator (Stream B Short term)	Parts II and III	H	6 months or less
Special Effects Assistant (Stream A Short term)	Parts I, II and III	I	6 months or less
Special Effects Assistant (Stream B Short term)	Parts II and III	J	6 months or less

SCHEDULE 3 [s. 5(2)]

Scheduled Qualifications

1. For the purposes of section 5 of this Regulation and Schedule 2, the qualifications for being eligible to apply for a special effects operator licence are as follows---

- A Possession of a Special Effects Operator Class II (Stream A) licence or equivalent
- B Relevant experience as a holder of a Special Effects Operator Class II (Stream A) licence or equivalent of not less than 2 years
- C Possession of a Special Effects Assistant (Stream A) licence or equivalent
- D Relevant experience as a holder of a Special Effects Assistant (Stream A) licence or equivalent of not less than 2 years
- E Possession of a Special Effects Assistant (Stream B) licence or equivalent
- F Relevant experience as a holder of a Special Effects Assistant (Stream B) licence or equivalent of not less than 2 years
- G A licence issued by a competent authority equivalent to---
 - (a) a Special Effects Operator Class I (Stream A) licence; or
 - (b) a Special Effects Operator Class II (Stream A) licence; or
 - (c) a Special Effects Operator (Stream A Short term) licence
- H A licence issued by a competent authority equivalent to---
 - (a) a Special Effects Operator (Stream B) licence; or
 - (b) a Special Effects Operator (Stream B Short term) licence
- I A licence issued by a competent authority equivalent to---
 - (a) a Special Effects Assistant (Stream A) licence; or
 - (b) a Special Effects Assistant (Stream A Short term) licence
- J A licence issued by a competent authority equivalent to---
 - (a) a Special Effects Assistant (Stream B) licence; or
 - (b) a Special Effects Assistant (Stream B Short term) licence
- K Completion of a training course approved by the Authority
- L Any other experience relevant to the operation of the licence being applied for to the satisfaction of the Authority

2. In section 1---

"relevant experience" (有關經驗) means such experience as may from time to time be recognized by the Authority as being relevant to the operation of a special effects operator under this Regulation.

SCHEDULE 4 [s. 11]

Discharge Permits Not Required for Non-Pyrotechnic Special Effects Materials

1. A discharge permit is not required for the discharge of non-pyrotechnic special effects materials if---

(a) only non-pyrotechnic special effects materials listed under Division B or C in Part III of the Special Effects Materials List are to be discharged; and
 (b) such materials are not used in conjunction with or ignited by any pyrotechnic special effects materials or liquefied petroleum gas; and
 (c) in relation to materials listed under Division B in Part III of the Special Effects Materials List, the quantity of each of such materials specified by reference to the relevant columns of the tables to the relevant regulations under the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.) as set out in columns B and A of the following table respectively does not exceed the quantity specified in the relevant columns of the corresponding tables to the corresponding regulations as set out opposite thereto in column C.

A	B	C
Relevant regulation under the Dangerous Goods (General) Regulations (Cap. 295 sub.leg.) in which materials specified	Relevant column of the table to the relevant regulation	Relevant column of the table to the relevant regulation
74(1)	1st	2nd
84(6)	1st	7th
92(6)	1st	7th
99(6)	1st	7th
139(6)	1st	7th
153(6)	1st	7th
159(5)	1st	6th
170(5)	1st	6th
171 B	1st	2nd
176(6)	1st	7th

Eddy CHAN

Entertainment Special Effects Licensing Authority

5 December 2000

Explanatory Note

This Regulation which is made under the Entertainment Special Effects Ordinance (Cap. 560)---

- (a) provides for the eligibility criteria and the procedures to be followed with respect to applications for special effects operator licences and pyrotechnic special effects materials supplier licences;
- (b) provides for the documents and information required and the procedures to be

adopted in relation to the registration of pyrotechnic special effects materials; issue of permits for the discharge of special effects materials and conveyance of pyrotechnic special effects materials and issue of licences for the storage of pyrotechnic special effects materials;

(c) specifies circumstances under which accidents involving special effects materials are to be reported to the Entertainment Special Effects Licensing Authority or the police, etc.;

(d) stipulates regulatory measures to ensure the safe use and handling of pyrotechnic special effects materials.